

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEVITTA BRISCOE, as executor of the Estate
of Che Andre Taylor; JOYCE DORSEY,
individually; CHE ANDRE TAYLOR JR.,
individually; SARAH SETTLES on behalf of
her minor child, [REDACTED]
[REDACTED]; and DEMEKA GREEN for the
Estate of Brenda Taylor,

Plaintiffs,

v.

CITY OF SEATTLE; MICHAEL
SPAULDING and "JANE DOE"
SPAULDING, and their marital community
composed thereof; SCOTT MILLER and
"JANE DOE" MILLER, and their marital
community composed thereof,

Defendants.

NO. 2:18-cv-00262-TSZ

PLAINTIFFS' PETITION FOR
GUARDIAN AD LITEM FOR MINOR

**Noted for Consideration:
February 12, 2021**

COMES now counsel for Plaintiffs' and petitions this Court to appoint a Guardian Ad
Litem for the Minor C.M.T. to review the settlement pursuant to Local Civil Rule 17 (c).

MOTION

On December 4, 2020, the parties to this lawsuit reached a mediated settlement agreement.
In exchange for total payment of \$1,500,000.00, Plaintiffs Devitta Briscoe, as Executor of the Estate

PETITION FOR GAL FOR MINOR - 1
(2:18-cv-00262-TSZ)

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1 of Che Andre Taylor; Joyce Dorsey; Che Andre Taylor, Jr.; and Sarah Settles on behalf of her
 2 minor child, C.M.T agreed to dismiss all claims and causes of action with prejudice as a matter of
 3 law. Plaintiffs shall not appeal any claims or parties dismissed by this Court in its orders on
 4 Defendants' motions to dismiss or Defendants' motion for summary judgment, including all
 5 claims brought by Demeka Green as Executor of the estate of Brenda Taylor. The parties further
 6 agree that each side shall bear its own costs and attorneys' fees in this matter.

7 In accordance with the terms of the settlement, Plaintiff Joyce Taylor shall receive payment
 8 of \$500,000.00; Plaintiff Che Andre Taylor, Jr. shall receive payment of \$500,000.00; and Plaintiff
 9 Devitta Briscoe as Executor of the Estate of Che Andre Taylor shall receive payment of
 10 \$500,000.00, with \$250,000.00 of that payment being distributed to Che Andre Taylor, Jr. and the
 11 other \$250,000.00 of that payment being distributed to Sarah Settles as guardian of minor Plaintiff
 12 C.M.T. and to be held in trust for minor Plaintiff C.M.T.

13 ANALYSIS

14 Local Rule 17(c) provides that "[i]n every case where the court is requested to approve a
 15 settlement involving the claim of a minor or incompetent, an independent guardian ad litem, who
 16 shall be an attorney-at-law, *must* be appointed by the court," to "investigate the adequacy of the
 17 offered settlement and report thereon." LCR 17(c).

18 "District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c),
 19 to safeguard the interests of litigants who are minors." Robidoux v. Rosengren, 638 F.3d 1177,
 20 1181 (9th Cir. 2011). "In the context of proposed settlements in suits involving minor plaintiffs,
 21 this special duty requires a district court to 'conduct its own inquiry to determine whether the
 settlement serves the best interests of the minor.'" *Id.* (quoting Dacanay v. Mendoza, 573 F.2d

1075, 1080 (9th Cir. 1978)); *see also Salmeron v. United States*, 724 F.2d 1357, 1363 (9th Cir. 1983) (“a court must independently investigate and evaluate any compromise or settlement of a minor’s claims to assure itself that the minor’s interests are protected, even if the settlement has been recommended or negotiated by the minor’s parent or guardian ad litem”).

The Court “has broad discretion in ruling on a guardian ad litem application.” *Williams v. Super. Ct.*, 147 Cal. App. 4th 36, 46-47 (2007).

Plaintiffs’ moves this Court for an order appointing a Settlement Guardian Ad Litem to investigate the reasonableness and adequacy of the City of Seattle, et. al., offer to settle the claim to C.M.T., a minor.

Plaintiffs in accordance with LCR 17(c), request this Court appoint Morgan Wais as Guardian Ad Litem to review the settlement amount and settlement payable to minor C.M.T., who is an attorney and is listed as on the King County Guardian Ad Litem Registry, and/or the Court appoint another Guardian Ad Litem to review the settlement amount and settlement payment to minor C.M.T.

DONE this 15th day of January, 2021.

By _____/s/ Jesse Valdez
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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on Janu 15, 2021, I electronically filed the foregoing Plaintiff's Petition for Guardian Ad Litem with the Clerk of the Court using the CM/ECF system which will send notification of this filing to the attorneys of record and all registered participants.

By /s/ Jesse Valdez
Jesse Valdez, WSBA #35378

VALDEZ LEHMAN, PLLC

By /s/ Jesse Valdez
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